

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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INDIAN HARBOR INSURANCE COMPANY,	: Case No. 12 CIV 5787 (JGK)
	: ECF Case
Plaintiff,	: ORAL ARGUMENT REQUESTED
-against-	: INDIAN HARBOR INSURANCE
THE CITY OF SAN DIEGO,	: COMPANY'S NOTICE OF MOTION
	: AND MOTION FOR SUMMARY
Defendant.	: JUDGMENT
	: Courtroom: 12B
	: Judge: Hon. John G. Koeltl
	: Complaint Filed: July 27, 2012
	: F.A.C. Filed: August 14, 2012
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TO THE CITY OF SAN DIEGO, ITS COUNSEL, AND THE COURT:

PLEASE TAKE NOTICE that plaintiff Indian Harbor Insurance Company hereby moves this Court for summary judgment against the City of San Diego based on the City's late notice to Indian Harbor of each of the three underlying claims that are at issue in this lawsuit.

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This motion is based on this Motion, the Memorandum of Law, the Declaration of Max H. Stern, the Declaration of J. Robert McMahon, the Request for Judicial Notice, and the Local Rule 56.1 statement, all served concurrently herewith, and on all papers and pleadings on file herein.

Dated: February 1, 2013

DUANE MORRIS LLP

Attorneys for Plaintiff Indian Harbor Insurance
Company

By: /s/ Max H. Stern
Max H. Stern

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